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COMMISSION ON HUMAN RIGHTS
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Agenda item 9

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Bangladesh, Iraq*, Jordan*, Nepal, Philippines and Sri Lanka: draft resolution

1997/... Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

The Commission on Human Rights,

Recalling that the General Assembly, in its resolutions 41/153 of 4 December 1986, 43/140 of 8 December 1988 and 45/168 of 18 December 1990, affirmed the value of regional arrangements for the promotion and protection of human rights in the Asian and Pacific region,

Recalling also its own resolutions 1988/73 of 10 March 1988, 1989/50 of 7 March 1989, 1990/71 of 7 March 1990, 1991/28 of 5 March 1991, 1992/40 of 28 February 1992, 1993/57 of 9 March 1993, 1994/48 of 4 March 1994, 1995/48 of 3 March 1995 and 1996/64 of 23 April 1996,

Recalling further that the World Conference on Human Rights, in the Vienna Declaration and Programme of Action (A/CONF.157/23), emphasized that regional arrangements played a fundamental role in promoting and protecting human rights,

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*In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling resolution 45/2 adopted by the Economic and Social Commission for Asia and the Pacific on 5 April 1989,

Bearing in mind that intergovernmental arrangements for the promotion and protection of human rights have been established in other regions,

Welcoming the holding of the Colloquium on Human Rights in Manila on 16 and 17 January 1994, the first in a series of workshops to be organized by the Institute of Strategic and International Studies of the Association of South-East Asian Nations, intended, inter alia, to facilitate the process of developing a subregional human rights body for the protection and promotion of human rights in countries of the Association of South-East Asian Nations, in fulfilment of the decision of the Association to consider the establishment of an appropriate mechanism on human rights,

Recognizing the valuable contribution that independent national institutions can make in the field of human rights to the concept of regional arrangements,

Recognizing also that non-governmental organizations involved in the field of human rights have an important role to play in this process,

Welcoming the contribution to the development of regional human rights arrangements made by the fifth workshop on regional human rights arrangements in the Asian and Pacific region held in Amman from 5 to 7 January 1997, particularly the workshop's conclusions,

Reiterating that such workshops should be organized regularly, and if possible annually as proposed by the Government of the Republic of Korea and endorsed by the Commission in its resolution 1995/48,

Mindful that the agreements reached at the fifth workshop were built upon the accomplishments of previous workshops,

1. Welcomes the report of the Secretary-General (E/CN.4/1997/44) and the progress achieved in the implementation of Commission on Human Rights resolution 1996/64 of 23 April 1996;

2. Also welcomes the regional workshops on various human rights issues which have been held in the Asian and Pacific region, including the workshop held in Manila from 7 to 11 May 1990, the workshop held in Jakarta from 26 to 28 January 1993, the workshop held in Seoul from 18 to 20 July 1994, the workshop held in Kathmandu from 26 to 28 February 1996 and the workshop held in Amman from 5 to 7 January 1997;

3. Reaffirms that regional arrangements play a fundamental role in promoting and protecting human rights and that they should reinforce universal human rights standards, as contained in international human rights instruments, and their protection;

4. Takes into account the Bangkok Declaration wherein it is recognized that while human rights are universal in nature, they must be considered in the context of a dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds;

5. Reaffirms, in accordance with the Amman workshop conclusions, that all human rights, civil and political, economic, social and cultural, including the right to self-determination of people under colonial or alien domination or foreign occupation, as well as the right of return, are universal, interdependent and indivisible and are legal rights stricto sensu;

6. Recognizes the need to develop strategies for the promotion and progressive realization of the right to development and to eliminate obstacles in this regard;

7. Endorses the conclusions of the fifth workshop, including the recognition of the importance of step-by-step progress towards the establishment of a regional arrangement for the promotion and protection of human rights in the Asian and Pacific region, which must emerge from and be directed to the needs and priorities set by Governments of the region;

8. Welcomes the hosting for the first time of a workshop on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region in West Asia, and recognizes the need to ensure that the issues, concerns and priorities of West Asia will continue to be effectively addressed in future workshops;

9. Also welcomes the invitation of the Islamic Republic of Iran to host the sixth Workshop on Regional Arrangements for the Promotion and Protection of Human Rights in the Asian and Pacific Region in Tehran;

10. Notes that national institutions can make an important contribution to the ongoing process of developing regional human rights arrangements in the Asian and Pacific region, including in areas such as human rights education, mutual cooperation and information sharing and welcomes, in this respect, the establishment of the Asia-Pacific Forum of National Human Rights Institutions;

11. Also notes the contribution of representatives of non-governmental organizations and national human rights institutions in these workshops;

12. Further notes that the Asian and Pacific countries have developed a number of models of national institutions in accordance with their own national conditions and welcomes the establishment, in this regard, of a national commission of human rights by the Government of Sri Lanka;

13. Requests the Secretary-General to facilitate the realization of that activity under the regular budget of the United Nations for the programme of advisory services and technical assistance in the field of human rights;

14. Encourages all States in the Asian and Pacific region to consider further the establishment of regional arrangements for the promotion and protection of human rights, taking into consideration the conclusions of the fifth workshop;

15. Also encourages all Governments in the Asian and Pacific region to consider making use of the facilities offered by the United Nations, under the programme of advisory services and technical assistance for the promotion and protection of human rights, to further strengthen national human rights capacities;

16. Requests the Secretary-General to give adequate attention to the countries of the Asian and Pacific region by allocating more resources from existing United Nations funds to enable the countries of the region to benefit from all the activities under the programme of advisory services and technical assistance in the field of human rights and recognizes the contribution of the technical cooperation programme of the Centre for Human Rights in facilitating the development of regional arrangements and other technical cooperation activities in the region;

17. Encourages all States members and associate members of the Economic and Social Commission for Asia and the Pacific and other parties to make full use of the depository centre of the Commission, and requests the Secretary-General to maintain a continuing flow of human rights material to its library;

18. Stresses that the regional cooperation programme could, inter alia, focus upon the request of Governments concerned, on strengthening the role of national human rights institutions in promoting the progressive realization of economic, social and cultural rights, realizing the right to development, developing methodologies for effective implementation of human

rights education, elaborating guidelines for national action plans in the field of human rights, and developing strategies for cooperation on common problems, which should be implemented by drawing upon the expertise within the region to the fullest extent;

19. Also stresses, in accordance with the conclusions of the Amman workshop, that the technical cooperation programme activities should not be amalgamated with the United Nations human rights monitoring activities;

20. Requests the Secretary-General and the United Nations Development Programme to support this regional technical cooperation initiative and to provide resources for its implementation;

21. Also requests the Secretary-General, in accordance with the conclusions of the fifth workshop, to establish an open-ended team comprised of representatives of interested Governments of the region and, in consultation with the Centre for Human Rights, national institutions and non-governmental organizations, to:

(a) Ensure the effective preparation of the next workshop;

(b) Design a regional technical cooperation programme to facilitate the development of regional arrangements;

22. Calls upon the Centre for Human Rights to provide specific information on programmes available under the Voluntary Fund for Technical Cooperation in the Field of Human Rights, to facilitate better access and fuller utilization of these programmes by all countries in the Asian and Pacific region;

23. Encourages States in the Asian and Pacific region to request assistance for such purposes as regional and subregional workshops, seminars and information exchanges designed to strengthen regional cooperation for the promotion and protection of human rights to assist in the development of regional arrangements;

24. Also encourages the ratification, by all States, of international human rights instruments, particularly the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

25. Further encourages all States and regional and subregional organizations in the Asian and Pacific region to develop programmes for human rights education in that region;

26. Requests the Secretary-General to submit to the Commission at its fifty-fourth session a further report incorporating information on the progress achieved in the implementation of the present resolution;

27. Decides to continue its consideration of the question at its fifty-fourth session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Bangladesh, China, Indonesia, Iraq*, Jordan*, Mongolia*, Nepal, Philippines, Republic of Korea and Sri Lanka: draft resolution

1997/... Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

Recalling resolution 45/2 adopted by the Economic and Social Commission for Asia and the Pacific on 5 April 1989,

Bearing in mind that intergovernmental arrangements for the promotion and protection of human rights have been established in other regions,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Welcoming the holding of the Colloquium on Human Rights in Manila on 16 and 17 January 1994, the first in a series of workshops to be organized by the Institute of Strategic and International Studies of the Association of South-East Asian Nations, intended, inter alia, to facilitate the process of developing a subregional human rights body for the protection and promotion of human rights in countries of the Association of South-East Asian Nations, in fulfilment of the decision of the Association to consider the establishment of an appropriate mechanism on human rights,

Recognizing the valuable contribution that independent national institutions can make in the field of human rights to the concept of regional arrangements,

Recognizing also that non-governmental organizations involved in the field of human rights have an important role to play in this process,

Welcoming the contribution to the development of regional human rights arrangements made by the fifth workshop on regional human rights arrangements in the Asian and Pacific region held in Amman from 5 to 7 January 1997, particularly the workshop's conclusions,

Reiterating that such workshops should be organized regularly, and if possible annually as proposed by the Government of the Republic of Korea and endorsed by the Commission in its resolution 1995/48,

Mindful that the agreements reached at the fifth workshop were built upon the accomplishments of previous workshops,

1. Welcomes the report of the Secretary-General (E/CN.4/1997/44) and the progress achieved in the implementation of Commission on Human Rights resolution 1996/64 of 23 April 1996;

2. Also welcomes the regional workshops on various human rights issues which have been held in the Asian and Pacific region, including the workshop held in Manila from 7 to 11 May 1990, the workshop held in Jakarta from 26 to 28 January 1993, the workshop held in Seoul from 18 to 20 July 1994, the workshop held in Kathmandu from 26 to 28 February 1996 and the workshop held in Amman from 5 to 7 January 1997;

3. Reaffirms that all human rights are universal, indivisible and interrelated, that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds

must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

4. Reaffirms that regional arrangements play a fundamental role in promoting and protecting human rights and that they should reinforce universal human rights standards, as contained in international human rights instruments, and their protection;

5. Takes into account the Bangkok Declaration wherein it is recognized that while human rights are universal in nature, they must be considered in the context of a dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds;

6. Reaffirms, in accordance with the Amman workshop conclusions, that all human rights, civil and political, economic, social and cultural, including the right to self-determination of people under colonial or alien domination or foreign occupation, as well as the right of return, are universal, interdependent and indivisible and are legal rights stricto sensu;

7. Recognizes the need to develop strategies for the promotion and progressive realization of the right to development and to eliminate obstacles in this regard;

8. Endorses the conclusions of the fifth workshop, including the recognition of the importance of step-by-step progress towards the establishment of a regional arrangement for the promotion and protection of human rights in the Asian and Pacific region, which must emerge from and be directed to the needs and priorities set by Governments of the region;

9. Welcomes the hosting for the first time of a workshop on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region in West Asia, and recognizes the need to ensure that the issues, concerns and priorities of West Asia will continue to be effectively addressed in future workshops;

10. Also welcomes the invitation of the Islamic Republic of Iran to host the sixth Workshop on Regional Arrangements for the Promotion and Protection of Human Rights in the Asian and Pacific Region in Tehran;

11. Notes that national institutions can make an important contribution to the ongoing process of developing regional human rights arrangements in the Asian and Pacific region, including in areas such as human

rights education, mutual cooperation and information sharing and welcomes, in this respect, the establishment of the Asia-Pacific Forum of National Human Rights Institutions;

12. Also notes the contribution of representatives of non-governmental organizations and national human rights institutions in these workshops;

13. Further notes that the Asian and Pacific countries have developed a number of models of national institutions in accordance with their own national conditions and welcomes the establishment, in this regard, of a national commission of human rights by the Government of Sri Lanka;

14. Requests the Secretary-General to facilitate the realization of that activity under the regular budget of the United Nations for the programme of advisory services and technical assistance in the field of human rights;

15. Encourages all States in the Asian and Pacific region to consider further the establishment of regional arrangements for the promotion and protection of human rights, taking into consideration the conclusions of the fifth workshop;

16. Also encourages all Governments in the Asian and Pacific region to consider making use of the facilities offered by the United Nations, under the programme of advisory services and technical assistance for the promotion and protection of human rights, to further strengthen national human rights capacities;

17. Requests the Secretary-General to give adequate attention to the countries of the Asian and Pacific region by allocating more resources from existing United Nations funds to enable the countries of the region to benefit from all the activities under the programme of advisory services and technical assistance in the field of human rights and recognizes the contribution of the technical cooperation programme of the Centre for Human Rights in facilitating the development of regional arrangements and other technical cooperation activities in the region;

18. Encourages all States members and associate members of the Economic and Social Commission for Asia and the Pacific and other parties to make full use of the depository centre of the Commission, and requests the Secretary-General to maintain a continuing flow of human rights material to its library;

19. Stresses that the regional cooperation programme could focus, inter alia, upon the request of Governments concerned, on strengthening the role of national human rights institutions in promoting the realization of all human rights, including, in particlar, economic, social and cultural rights; realizing the right to development; developing methodologies for effective implementation of human rights education; elaborating guidelines for national action plans in the field of human rights; and developing strategies for cooperation on common problems, which should be implemented by drawing upon the expertise within the region to the fullest extent;

20. Also stresses, in accordance with the conclusions of the Amman workshop and the assurances of the High Commissioner for Human Rights, that the Centre's technical cooperation programme and the United Nations human rights monitoring will remain separate activities;

21. Requests the Secretary-General and the United Nations Development Programme to support this regional technical cooperation initiative and to provide resources for its implementation;

22. Also requests the Secretary-General, in accordance with the conclusions of the fifth workshop, to establish an open-ended team comprised of representatives of interested Governments of the region and, in consultation with the Centre for Human Rights, national institutions and non-governmental organizations, to:

(a) Ensure the effective preparation of the next workshop;

(b) Design a regional technical cooperation programme to facilitate the development of regional arrangements;

23. Calls upon the Centre for Human Rights to provide specific information on programmes available under the Voluntary Fund for Technical Cooperation in the Field of Human Rights, to facilitate better access and fuller utilization of these programmes by all countries in the Asian and Pacific region;

24. Encourages States in the Asian and Pacific region to request assistance for such purposes as regional and subregional workshops, seminars and information exchanges designed to strengthen regional cooperation for the promotion and protection of human rights to assist in the development of regional arrangements;

25. Also encourages the ratification, by all States, of international human rights instruments, particularly the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

26. Further encourages all States and regional and subregional organizations in the Asian and Pacific region to develop programmes for human rights education in that region;

27. Requests the Secretary-General to submit to the Commission at its fifty-fourth session a further report incorporating information on the progress achieved in the implementation of the present resolution;

28. Decides to continue its consideration of the question at its fifty-fourth session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Australia*, Canada, Cyprus*, Czech Republic, Denmark, Finland, France, Germany, Hungary, Luxembourg, Madagascar, Nepal, Norway, Poland, Russian Federation, Sweden and Switzerland*:

draft resolution

1997/... Human rights and mass exoduses

The Commission on Human Rights,

Deeply disturbed by the scale and magnitude of exoduses and displacements of population in many regions of the world and by the extensive human suffering of refugees and displaced persons,

Recalling its previous relevant resolutions, in particular resolution 1995/88 of 8 March 1995, as well as those of the General Assembly, and the conclusions of the World Conference on Human Rights, which recognized that gross violations of human rights, including in armed conflicts, are among the multiple and complex factors leading to displacement of people and that there is a need for a comprehensive approach by the international community to

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

address root causes and effects of movements of refugees and other displaced persons and for the strengthening of emergency preparedness and response mechanisms,

Conscious of the fact that mass exoduses of populations are caused by multiple and complex factors, which may include human rights violations, political, ethnic and economic conflicts, famine, insecurity, violence, poverty and environmental degradation, which indicate that early warning requires an intersectoral and multidisciplinary approach to enable a coherent system-wide response, particularly at the international and regional levels,

Noting that the Secretary-General, in his report entitled "An Agenda for Peace" (A/47/277-S/24111), identifies the protection of human rights and the promotion of economic well-being as important elements of peace, security and development,

Recognizing the complementarity between the system for the protection of human rights and for humanitarian action, and that humanitarian agencies make an important contribution to the achievement and protection of human rights,

Welcoming the continuation of inter-agency consultations on early warning of mass flows of refugees, pursuant to the decision of the Administrative Committee on Coordination, with the purpose of serving both prevention of and preparedness for humanitarian emergencies, and welcoming also the participation of the United Nations High Commissioner for Human Rights and the representative of the Secretary-General on internally displaced persons in the deliberations of the Inter-Agency Standing Committee established by the General Assembly in resolution 46/182 of 19 December 1991,

Welcoming also the cooperation between the United Nations High Commissioner for Refugees, the United Nations Development Programme, other relevant United Nations entities and the United Nations High Commissioner for Human Rights, with a view to ensuring coordination of mandates and expertise in the areas of returnee monitoring and promotion, technical advice, institution-building and rehabilitation activities,

Welcoming further the involvement of the Office of the United Nations High Commissioner for Refugees in activities in countries of actual or potential return, including the monitoring of returnees, in particular in the framework of tripartite agreements between the State of origin, the State of

asylum and the Office of the United Nations High Commissioner for Refugees, aimed at making effective the fundamental right of refugees to return to their own countries in safety and dignity,

Recognizing that the human rights machinery of the United Nations, including the mechanisms of the Commission on Human Rights and the human rights treaty bodies, has important capabilities to address human rights violations which cause movements of refugees and displaced persons or prevent durable solutions to their plight,

Convinced that the activities of these mechanisms, with a view, inter alia, to preventing mass exoduses and to strengthening emergency preparedness and response mechanisms, should be encouraged and further developed and coordinated at the international, regional and country levels, with priority given to the systematization of the early-warning information collection,

Recognizing that women and children constitute the majority of most refugee populations and that, in addition to the problems they share in common with all refugees, women and girls in such circumstances are vulnerable to gender-based discrimination and gender-specific violence and exploitation,

Recalling that States parties to the 1951 Convention relating to the Status of Refugees undertake, under article 35, to provide information to the Office of the United Nations High Commissioner for Refugees on the implementation of the Convention, as was recalled in the General Conclusion on International Protection adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees in 1995 and 1996,

Recalling the principles of international protection for refugees, relevant human rights standards and the General Conclusions of the Executive Committee of the Programme of the High Commissioner for Refugees on International Protection, and that asylum applicants should have access to fair and expeditious status determination procedures,

Welcoming the continuing efforts of the United Nations High Commissioner for Refugees to meet the protection and assistance needs of refugees worldwide,

1. Takes note with interest of the report of the Secretary-General on human rights and mass exoduses (E/CN.4/1996/42) and the update to this report by the High Commissioner for Human Rights (E/CN.4/1997/42), which are important contributions to efforts to develop a comprehensive approach to the question of human rights and mass exoduses;

2. Welcomes the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race, religion or language, and urges States to refrain from denying these because of gender;

3. Strongly deplores ethnic and other forms of intolerance as one of the major causes of forced migratory movements, and urges States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities;

4. Takes note of resolution 1995/13 of 18 August 1995 entitled "The right to freedom of movement" adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

5. Invites again all Governments and regional, intergovernmental and humanitarian organizations concerned to intensify their cooperation and assistance in worldwide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and the causes of such exoduses;

6. Urges all bodies involved in inter-agency consultations on early warning to cooperate fully in and to increase the necessary commitment and resources to the successful operation of the consultations;

7. Invites the special rapporteurs, special representatives and working groups of the Commission and the United Nations human rights treaty bodies, acting within their mandates, to seek information, where appropriate, on problems resulting in mass exoduses of populations or impeding their voluntary return home and, where appropriate, to include such information, together with recommendations thereon, in their reports, and to bring such information to the attention of the United Nations High Commissioner for Human Rights for appropriate action in fulfilment of his mandate, in consultation with the United Nations High Commissioner for Refugees;

8. Requests all United Nations bodies, including the United Nations human rights treaty bodies acting within their mandates, the specialized agencies, and governmental, intergovernmental and non-governmental organizations, to cooperate fully with all mechanisms of the Commission and, in particular, to provide them with all relevant information in their possession on the human rights situations creating or affecting refugees and displaced persons;

9. Requests the United Nations High Commissioner for Human Rights, in the exercise of his mandate, as set out in General Assembly resolution 48/141 of 20 December 1993, for preventing the continuation of human rights violations throughout the world and for coordinating human rights activities throughout the United Nations system, and in cooperation with the United Nations High Commissioner for Refugees, to pay particular attention to situations which cause or threaten to cause mass exoduses and to address effectively such situations through protection measures as well as emergency preparedness and response mechanisms, including information sharing and the provision of technical advice, expertise and cooperation;

10. Welcomes the establishment by the Department of Humanitarian Affairs of the Humanitarian Early Warning System, and notes with appreciation the contribution made by the United Nations High Commissioner for Human Rights and the Centre for Human Rights to its development;

11. Notes with satisfaction the participation of the United Nations High Commissioner for Human Rights in the framework for coordination activities and projects organized by the Department of Humanitarian Affairs, the Department of Political Affairs and the Department of Peacekeeping Operations, demonstrating the need for a comprehensive approach to address root causes and effects of movements of refugees and other displaced persons and the strengthening of emergency preparedness and response mechanisms;

12. Urges the Secretary-General to give high priority and to allocate the necessary resources to the consolidation and strengthening of the system for undertaking early-warning activities in the humanitarian area for the purpose of ensuring, inter alia, that effective action is taken to identify all human rights abuses which contribute to mass outflows of persons, and to invite comments on this issue;

13. Welcomes with appreciation the contributions of the United Nations High Commissioner for Refugees to the deliberations of international human rights bodies and mechanisms, and invites her to address the Commission at its fifty-fourth session;

14. Encourages States that have not already done so to consider accession to the 1951 Convention relating to the Status of Refugees and its Protocol of 1967, the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and other relevant regional refugee instruments and relevant international human rights instruments;

15. Encourages States parties to the 1951 Convention relating to the Status of Refugees to provide information to the Office of the United Nations High Commissioner for Refugees, in accordance with article 35 of the Convention;

16. Calls upon States to ensure effective protection of refugees through, inter alia, respecting the principle of non-refoulement;

17. Requests the United Nations High Commissioner for Human Rights to invite Governments, intergovernmental organizations, specialized agencies and non-governmental organizations to provide information and to prepare, within existing resources, and submit to the Commission at its fifty-fourth session an update of his report, including information on and recommendations and conclusions emerging from the action taken pursuant to the present resolution, with particular attention to defining appropriate early-warning capacities and ensuing implementation procedures and activities necessary to respond promptly and effectively;

18. Decides to continue its consideration of the question at its fifty-fourth session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission" under the sub-item entitled "Human rights, mass exoduses and displaced persons".

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INDIGENOUS ISSUES

Australia*, Bolivia*, Brazil, Canada, Chile, Cyprus*, Denmark, Finland*, Greece*, Guatemala*, Mexico, New Zealand*, Nicaragua, Norway*, Peru*, Sweden* and Switzerland*: draft resolution

1997/... Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Commission on Human Rights,

Bearing in mind General Assembly resolution 47/75 of 14 December 1992 and Part II, paragraph 28, of the Vienna Declaration and Programme of Action (A/CONF.157/23),

Reaffirming its resolution 1995/32 of 3 March 1995, in which it established an open-ended inter-sessional working group with the sole purpose of elaborating a draft declaration, considering the draft contained in the annex to resolution 1994/45 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Draft United Nations declaration on the rights of indigenous peoples", for consideration and adoption by the General Assembly within the International Decade of the World's Indigenous People,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Reaffirming in particular that the invitation contained in that resolution was addressed to organizations of indigenous people seeking authorization to participate in the working group,

Recognizing that organizations of indigenous people have special knowledge and understanding of the current situation of the world's indigenous people and their human rights needs,

Recalling General Assembly resolution 49/214 of 23 December 1994, in which the Assembly encouraged the Commission to consider the draft declaration with the participation of representatives of indigenous people, on the basis of and in accordance with appropriate procedures to be determined by the Commission,

Welcoming the progress made in the process of drafting a declaration on the rights of indigenous people, and emphasizing the importance and special nature of such a draft declaration as an instrument specifically for promoting the rights of indigenous people,

Recalling the need for the working group to consider all aspects of the draft declaration, including its scope of application,

1. Takes note of the report of the working group (E/CN.4/1997/102), and welcomes the continuation and positive nature of the deliberations of the working group, particularly the measures taken to ensure effective input by organizations of indigenous people;

2. Expresses its appreciation for the work of the Economic and Social Council in considering applications from organizations of indigenous people to participate in the working group under the procedure proposed in the annex to Commission on Human Rights resolution 1995/32 of 3 March 1995;

3. Welcomes the decisions of the Economic and Social Council approving the participation of organizations of indigenous people in the work of the working group, and urges the Council to process all pending applications as soon as possible, taking strictly into account the procedures set out in the annex to Commission on Human Rights resolution 1995/32;

4. Recommends that the working group meet for 10 working days prior to the fifty-fourth session of the Commission on Human Rights, the cost of the meeting to be met from within existing resources;

5. Encourages organizations of indigenous people which are not already registered to participate in the working group and which wish to do so to apply for authorization in accordance with the procedure set out in the annex to Commission on Human Rights resolution 1995/32;

6. Requests the working group to submit a progress report for consideration by the Commission on Human Rights at its fifty-fourth session under the agenda item entitled "Indigenous Issues";

7. Recommends the following draft resolution to the Economic and Social Council for adoption:

"The Economic and Social Council,

"Taking note of Commission on Human Rights resolution 1997/... of ... 1997,

"1. Authorizes the open-ended inter-sessional working group of the Commission on Human Rights established in accordance with Commission resolution 1995/32 to meet for a period of 10 working days prior to the fifty-fourth session of the Commission, the costs of the meeting to be met from within existing resources;

"2. Requests the Secretary-General to extend all necessary facilities, from within existing United Nations resources, to the working group for its meetings."

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ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Bulgaria, Canada, Denmark, France, Germany, Italy, Latvia*, Norway*, Portugal*, Republic of Korea, Romania*, South Africa, Spain* and Sweden*: draft resolution

1997/... Assistance to Somalia in the field of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant human rights instruments,

Recalling its resolution 1996/57 of 19 April 1996, in which it invited the independent expert to study ways and means of how best to implement, at the earliest possible date, a programme of advisory services for Somalia, upon request, inter alia through the contributions of agencies and programmes of the United Nations currently in the field, aimed at re-establishing respect for human rights and the rule of law and strengthening the police and the judicial and the prison systems in Somalia, in a manner consistent with internationally accepted criminal justice standards,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Noting with concern that the breakdown of governmental authority in Somalia has exacerbated the grave situation of human rights in the country,

Welcoming all efforts aimed at improving the humanitarian situation in Somalia, such as those of agencies and programmes of the United Nations, other humanitarian organizations and non-governmental organizations,

Recognizing that the people of Somalia have the principal responsibility for their national reconciliation process and that they are the ones to decide freely on their political, economic and social systems but, as stated by the independent expert, that the international community should not abandon them in this tragic period of their national history,

Noting with appreciation the efforts of concerned countries and organizations, in particular the Organization of African Unity, the Intergovernmental Authority on Drought and Development, the League of Arab States and the Organization of the Islamic Conference, to promote a direct political dialogue,

Affirming the need for a peaceful process leading to the disarming of factions, political reconciliation and the re-establishment of effective government committed to the promotion and protection of human rights,

Deeply concerned at reports of arbitrary and summary executions, torture and other cruel, inhuman or degrading treatment or punishment and violence against women and children, and at the absence of an effective judicial system essential to ensure the right to a fair trial in accordance with international standards,

Deploring continued attacks, acts of reprisal, abductions and other acts of violence committed against personnel of humanitarian organizations and non-governmental organizations and representatives of the international media in Somalia, sometimes resulting in serious injury or death,

Recognizing the negative impact that the current situation is having on neighbouring countries, in particular through refugee outflows,

Noting that, under the prevailing circumstances, it has been extremely difficult for the independent expert to fulfil her mandate as envisioned by the Commission,

Believing nonetheless that the High Commissioner/Centre for Human Rights should be in a position, through its programme of advisory services and technical assistance, to reinforce any positive political developments in Somalia by providing assistance, including to the police and the judicial and penal systems as well as to other institutions for the promotion and protection of human rights,

1. Takes note with appreciation of the report of the independent expert (E/CN.4/1997/88 and Corr.1) and in particular of its conclusions and recommendations;

2. Calls upon all parties to the conflict in Somalia to work towards a peaceful solution to the crisis;

3. Strongly urges all parties in Somalia to respect human rights and international humanitarian law pertaining to internal armed conflict, to support, as recommended by the independent expert, the re-establishment of the rule of law throughout the country, in particular by applying internationally accepted criminal justice standards, and to protect United Nations personnel, humanitarian relief workers and representatives of non-governmental organizations and of the international media;

4. Calls upon regional organizations and concerned countries to continue and intensify the efforts aimed at facilitating the national reconciliation process in Somalia, aware of the fact that the peaceful coexistence of all parties and groups is an important foundation for the respect of human rights;

5. Calls upon individual donor countries, international organizations and non-governmental organizations to incorporate human rights principles and objectives into the humanitarian and development work they carry out in Somalia and to cooperate with the independent expert;

6. Requests the independent expert to report on the human rights situation in Somalia to the Commission at its fifty-fourth session, in particular on the basis of a detailed assessment of the means necessary to establish a programme of advisory services and technical assistance through, inter alia, the contribution of agencies and programmes of the United Nations in the field, as well as of the non-governmental sector;

7. Requests the Secretary-General to provide the independent expert with all necessary assistance in discussing her mandate and to provide adequate resources, from within existing overall United Nations resources, to

fund the activities of the independent expert and the High Commissioner/Centre for Human Rights for the implementation of advisory services and technical assistance;

8. Invites Governments and organizations in a position to do so to respond positively to requests by the Secretary-General for assistance in the implementation of the present resolution;

9. Decides to continue consideration of the question at its fifty-fourth session under the same agenda item.

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COMMISSION ON HUMAN RIGHTS
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Agenda item 18

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Argentina, Austria, Belgium,* Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, El Salvador, Ethiopia, France, Germany, Guatemala,* Italy, Mozambique, Peru,* Poland,* Portugal,* Russian Federation, South Africa, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela: draft resolution

1997/... Assistance to States in strengthening the rule of law

The Commission on Human Rights,

Recalling that, by adopting the Universal Declaration of Human Rights, Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Firmly convinced that, as stressed in the Universal Declaration of Human Rights, the rule of law is an essential factor in the protection of human rights and should continue to attract the attention of the international community,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Convinced also that through their own national legal and judicial systems States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Recognizing the importance of the role that can be played by the Centre for Human Rights in supporting national efforts to strengthen the institutions of the rule of law,

Bearing in mind that, in its resolution 48/141 of 20 December 1993, the General Assembly entrusted the United Nations High Commissioner for Human Rights with, inter alia, providing, through the Centre for Human Rights and other appropriate institutions, advisory services and technical and financial assistance in the field of human rights, enhancing international cooperation for the promotion and protection of all human rights and coordinating human rights activities throughout the United Nations system,

Recalling the recommendation of the World Conference on Human Rights that a comprehensive programme be established within the United Nations and under the coordination of the Centre for Human Rights with a view to helping States in the task of building and strengthening adequate national structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law,

Recalling also its resolution 1996/56 of 19 April 1996 and General Assembly resolution 51/96 of 12 December 1996,

1. Takes note with satisfaction of the report of the Secretary-General to the General Assembly (A/51/555), submitted in conformity with Assembly resolution 50/179 of 22 December 1995;

2. Takes note with interest of the proposals contained in the report of the Secretary-General for strengthening the programme of advisory services and technical assistance of the Centre for Human Rights in order to comply fully with the recommendations of the World Conference on Human Rights concerning assistance to States in strengthening their institutions which uphold the rule of law;

3. Praises the efforts made by the United Nations High Commissioner for Human Rights and the Centre for Human Rights to accomplish their ever-increasing tasks with the limited financial and personnel resources at their disposal;

4. Expresses its deep concern at the scarcity of means at the disposal of the Centre for the fulfilment of its tasks;

5. Notes that the programme of advisory services and technical assistance does not have assistance funds sufficient to provide any substantial financial assistance to national projects that have a direct impact on the realization of human rights and the maintenance of the rule of law in countries that are committed to those ends, but which face economic hardship;

6. Affirms that the High Commissioner, with the assistance of the Centre, remains the focal point for coordinating system-wide attention for human rights, democracy and the rule of law;

7. Welcomes the consultations and contacts initiated by the High Commissioner with other relevant bodies and programmes of the United Nations system aiming at the enhancement of inter-agency coordination and cooperation in providing assistance for the strengthening of the rule of law;

8. Encourages the High Commissioner to pursue these consultations, taking into account the need to explore new synergies with other organs and agencies of the United Nations system with a view to obtaining increased financial assistance for human rights and the rule of law;

9. Also encourages the High Commissioner to continue to explore the possibility of further contact with and support of financial institutions, acting within their mandates, with a view to obtaining technical and financial means to strengthen the capacity of the Centre to provide assistance to national projects aiming at the realization of human rights and the maintenance of the rule of law;

10. Requests the High Commissioner to accord high priority to the technical cooperation activities undertaken by the Centre with regard to the rule of law;

11. Takes note with appreciation of the proposal of the High Commissioner to convene a high-level meeting of relevant United Nations agencies and programmes in order to analyse means, modalities, financing and allocation of responsibilities for the implementation of a comprehensive United Nations programme of assistance for the rule of law, taking into account the experience of the technical cooperation programme of the Centre;

12. Decides to continue its consideration of the question of assistance to States in strengthening the rule of law at its fifty-fifth session in the light of the report to be submitted by the Secretary-General to the General Assembly at its fifty-second session pursuant to Assembly resolution 51/96 as well as any relevant information that might be provided by the High Commissioner on Human Rights on this matter.

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Agenda item 9

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Afghanistan*, Argentina, Australia*, Bulgaria, Canada, Chile, Croatia*, Cyprus*, Denmark, Dominican Republic, France, Germany, Greece*, Haiti*, Hungary*, Ireland, Italy, Madagascar*, Netherlands, Nicaragua, Norway*, Poland*, Portugal*, Republic of Korea, Romania*, Russian Federation, Slovakia*, Spain*, Sweden*, Switzerland*, the former Yugoslav Republic of Macedonia*, Tunisia* and Ukraine: draft resolution

1997/... Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights

The Commission on Human Rights,

Reaffirming that activities to improve public knowledge in the field of human rights are essential to the fulfilment of the principles and purposes of the United Nations set out in Article 1, paragraph 3, of the Charter of the United Nations, and that carefully designed programmes of teaching, education and information are essential to the achievement of lasting respect for human rights and fundamental freedoms,

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* In accordance with rule 69, para. 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling previous General Assembly and its own resolutions on this subject,

Recognizing the significant effect of United Nations initiatives on public information activities in the field of human rights, in particular those undertaken by the High Commissioner for Human Rights,

Taking note of the valuable role that non-governmental organizations can play in this endeavour,

Believing that the World Public Information Campaign for Human Rights is a valuable complement to the activities of the United Nations aimed at the further promotion and protection of human rights and fundamental freedoms, and recalling the importance attached by the World Conference on Human Rights to strengthening the World Campaign,

1. Takes note with appreciation of the report of the Secretary-General on the development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights (E/CN.4/1997/36), which contains, inter alia, a comprehensive review of the relevant programmes of information and publication undertaken by the High Commissioner and by the Department of Public Information;

2. Appreciates the measures taken by the Department of Public Information and the High Commissioner/Centre for Human Rights to ensure the further production and effective dissemination of human rights information materials in regional and local languages, in close cooperation with regional, national and local organizations as well as with Governments, in particular as a component of the technical assistance projects in the field of human rights;

3. Urges the High Commissioner/Centre for Human Rights and the Department of Public Information to cooperate closely in the realization of the information and publication programmes in the field of human rights, including the implementation of the new information strategy and the relevant preparatory work for the fiftieth anniversary of the Universal Declaration of Human Rights;

4. Encourages the High Commissioner/Centre for Human Rights to continue the development of training courses and materials such as targeted training manuals for professional audiences, referred to in the report of the Secretary-General;

5. Welcomes the establishment of an Internet site by the High Commissioner for Human Rights and encourages the High Commissioner/Centre for Human Rights to make available in a timely fashion on the website United Nations documents and publications as well as databases for the promotion of human rights, in the official languages of the United Nations, and encourages the efforts of the Department of Public Information with respect to computer-accessible information on human rights;

6. Urges the Department of Public Information, in cooperation with the High Commissioner/Centre for Human Rights, to utilize fully and effectively United Nations information centres for the purpose of disseminating, within their designated areas of activity, basic information and reference materials on human rights and fundamental freedoms, in the official languages of the United Nations;

7. Urges the Department of Public Information to produce, in cooperation with the High Commissioner/Centre for Human Rights, information material, in particular audio-visual material, on all aspects of human rights in connection with the World Public Information Campaign for Human Rights, the fiftieth anniversary of the Universal Declaration of Human Rights and the United Nations Decade for Human Rights Education;

8. Requests the Secretary-General to take advantage as much as possible of the collaboration of non-governmental organizations in the implementation of the World Public Information Campaign, in the preparation of public information activities for the fiftieth anniversary of the Universal Declaration of Human Rights and in the activities relating to the United Nations Decade for Human Rights Education;

9. Encourages all Member States to make special efforts to provide, facilitate and promote publicity for the activities of the United Nations in the field of human rights, including considering the creation of national committees for the fiftieth anniversary of the Universal Declaration of Human Rights and for the United Nations Decade for Human Rights Education, to accord priority to the dissemination in their respective national and local languages of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments and to provide information and education on the practical ways in which the rights and freedoms enjoyed under these instruments can be exercised;

10. Encourages all Member States to develop specific programmes and strategies for ensuring the widest human rights education and dissemination of public information and, in drawing up national action plans for the promotion and protection of human rights, to include broad-based education and public information programmes on human rights and to implement a gender perspective in accordance with the recommendations adopted by the World Conference on Human Rights and the Fourth World Conference on Women;

11. Calls upon the High Commissioner for Human Rights to coordinate and harmonize human rights information strategies within the United Nations system, in close cooperation with all relevant United Nations agencies and bodies;

12. Requests the Secretary-General to make available adequate resources from within the regular budget of the United Nations in order to allow the High Commissioner/Centre for Human Rights and the Department of Public Information to implement fully their expanded publications programme;

13. Also requests the Secretary-General to submit to the Commission, at its fifty-fifth session, a report on public information activities, with special emphasis on the activities relating to the World Public Information Campaign for Human Rights and those for the fiftieth anniversary of the Universal Declaration of Human Rights, including information on expenditures incurred in the biennium 1996-1997 and those envisaged for the biennium 1998-1999;

14. Decides to continue its consideration of the question at its fifty-fifth session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Algeria, Egypt, Republic of Korea, Pakistan, Peru,* Philippines, Sri Lanka, Turkey* and Uruguay: draft resolution

1997/... Human rights and terrorism

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and the International Covenants on Human Rights,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations adopted by the General Assembly in its resolution 50/6 of 24 October 1995,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

Recalling General Assembly resolutions 46/51 of 9 December 1991, 49/60 of 9 December 1994, 50/53 of 11 December 1995, 50/186 of 22 December 1995 and 51/210 of 17 December 1996, as well as its own resolution 1996/47 of 19 April 1996,

Noting resolution 1996/20 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and noting its decision to have a working paper prepared on the question of human rights and terrorism to be considered by the Sub-Commission at its forty-ninth session,

Convinced that terrorism, in all its forms and manifestations, wherever and by whomever committed, can never be justified in any instance, including as a means to promote and protect human rights,

Taking into account that acts of terrorism in all its forms and manifestations aimed at the destruction of human rights have continued despite national and international efforts,

Bearing in mind that the most essential and basic human right is the right to life,

Bearing in mind also that terrorism creates an environment that destroys the freedom from fear of the people,

Reiterating that all States have an obligation to promote and protect human rights and fundamental freedoms, and that everyone should strive to secure their universal and effective recognition and observance,

Seriously concerned at the gross violations of human rights perpetrated by terrorist groups,

Profoundly deploring the increasing number of innocent persons, including women, children and older persons, killed, massacred and maimed by terrorists,

Noting with great concern the growing connection between terrorist groups and increased organized crime, in particular the illegal traffic in arms and drugs,

Reaffirming that all measures to counter terrorism must be in strict conformity with international law, including international human rights standards,

Stressing the need further to strengthen international cooperation between States, international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed, and inviting interested non-governmental organizations to join States in condemning terrorism,

Bearing in mind the possibility of considering in the future the elaboration of a comprehensive convention on international terrorism, and stressing that respect for human rights is and must be an essential component of such an effort,

1. Expresses its solidarity with the victims of terrorism;

2. Reiterates the unequivocal condemnation of all acts, methods and practices of terrorism, regardless of their motivation, in all its forms and manifestations, wherever and by whomever committed, as acts of aggression aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences for the economic and social development of States;

3. Condemns incitement of ethnic hatred, violence and terrorism;

4. Calls upon States to take all necessary and effective measures, in conformity with relevant provisions of international law, including international human rights standards, to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed;

5. Urges the international community to enhance cooperation at the regional and international levels in the fight against terrorism in all its forms and manifestations, in accordance with relevant international instruments, including those relating to human rights, with the aim of its eradication;

6. Urges all thematic special rapporteurs and working groups to address as appropriate the consequences of the acts, methods and practices of terrorist groups, in their forthcoming reports to the Commission;

7. Requests the Secretary-General to continue to collect information on the human rights implications of terrorism and of the fight against terrorism on the full enjoyment of human rights from all relevant resources, including Governments, specialized agencies, intergovernmental organizations and non-governmental organizations, and to make it available to the special rapporteurs and working groups concerned and the Commission on Human Rights for their consideration;

8. Decides to continue consideration of the question at its fifty-fourth session as a matter of priority.

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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Argentina, Australia*, Austria, Bangladesh, Belarus, Benin, Brazil, Bulgaria, Cameroon*, Canada, Chile, Croatia*, Cyprus*, Czech Republic, Democratic People's Republic of Korea*, Denmark, El Salvador, Ethiopia, Finland*, France, Germany, Greece*, Ireland, Liechtenstein*, Luxembourg*, Madagascar, Mexico, New Zealand*, Nicaragua, Norway*, Papua New Guinea*, Philippines, Portugal*, Republic of Korea, Slovenia*, South Africa, Spain*, Sweden*, Switzerland*, Tunisia, Turkey* and Zambia*: draft resolution

1997/... Integrating the human rights of women throughout the United Nations system

The Commission on Human Rights,

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments,

Recalling its previous resolutions on the subject,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling also that in the Vienna Declaration and Programme of Action (A/CONF.157/23), the World Conference on Human Rights affirmed that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights, and called for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity,

Emphasizing the major role of the Commission on the Status of Women in promoting equality between women and men, and recalling resolution 41/... on mainstreaming a gender perspective in all policies and programmes of the United Nations system, adopted by that Commission at its forty-first session,

Bearing in mind that, in the Platform for Action, the Fourth World Conference on Women called on all relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to give full, equal and sustained attention to the human rights of women in the exercise of their respective mandates,

Recognizing the need to promote and strengthen national and international efforts to improve the status of women in all areas in order to foster the elimination of discrimination against women,

Reaffirming the important role women's groups and non-governmental organizations play in promoting and protecting the human rights of women,

Reiterating the need for States and the relevant United Nations bodies to include in their human rights education activities information on the human rights of women,

1. Welcomes the report of the Secretary-General (E/CN.4/1997/40);

2. Concerned that implementation of the relevant recommendations of the Vienna Declaration and Programme of Action and the Beijing Platform for Action remains far from the objectives set forth in the two documents and, therefore, calls once again for intensified effort at the international level to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity and to address these issues regularly and systematically throughout relevant United Nations bodies and mechanisms;

3. Encourages the efforts made by the United Nations High Commissioner for Human Rights, within his mandate established by the General Assembly in resolution 48/141 of 20 December 1993, to coordinate

the activities of relevant United Nations organs, bodies and mechanisms dealing with human rights in considering violations of the human rights of women and welcomes in this regard the initiative of the High Commissioner to undertake a comprehensive review of the technical cooperation programme from a gender perspective;

4. Also encourages the strengthening of cooperation and coordination among all human rights treaty bodies, special rapporteurs, special procedures and other human rights mechanisms of the Commission and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and requests that they regularly and systematically take a gender perspective into account in the implementation of their mandates, including information and qualitative analysis in their reports on violations of the human rights of women;

5. Welcomes, in this regard, the paper [1] prepared by the United Nations Development Fund for Women for the meeting of the special rapporteurs, special representatives, independent experts and chairpersons of the working groups of the special procedures of the Commission on Human Rights held from 28 to 30 May 1996 [2] and the description therein that gender-specific reporting and analysis is an examination of the effects of gender on the form which a human rights violation takes, the circumstances in which a particular violation occurs, the consequences for the victim, and the availability and accessibility of remedies, and urges the implementation of the recommendations pertaining to working methods and reporting methodology including sources of information and gender-specific analysis in conclusions and recommendations;

6. Calls for the further strengthening of cooperation and coordination between the Commission on Human Rights and the Commission on the Status of Women and between the Centre for Human Rights and the Division for the Advancement of Women through, inter alia, regular inter-secretariat cooperation to ensure that the joint work plan of the Centre for Human Rights and the Division for the Advancement of Women reflects all aspects of work under way and identifies where obstacles/impediments exist and areas for

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[1] E/CN.4/1997/131, annex.

[2] See E/CN.4/1997/3.

further collaboration, and requests that this plan be made available to the Commission on Human Rights at its fifty-third session and to the Commission on the Status of Women at its forty-second session;

7. Recognizes that the success of mainstreaming women's rights will depend on the formalizing, at the highest levels, of a clear policy and guidelines on the integration of a gender perspective into the United Nations human rights system, and draws attention to the need to develop practical strategies to implement the recommendations contained in the report of the expert group meeting on the development of guidelines for the integration of a gender perspective into human rights activities and programmes;[3]

8. Welcomes the efforts of the treaty bodies to monitor more effectively the human rights of women in their activities, including such initiatives as the round table on human rights approaches to women's health with a focus on reproductive and sexual health rights, organized jointly by the United Nations High Commissioner/Centre for Human Rights, the Division for the Advancement of Women and the United Nations Population Fund;

9. Affirms that it is the responsibility of all treaty bodies, in their work, to integrate a gender perspective and in order to do so, the recommendations contained in the report of the Secretary-General should be given due consideration, in particular to:

(a) Develop gender-sensitive guidelines to be used in the review of States parties' reports;

(b) Develop, as a matter of priority, a common strategy towards mainstreaming the human rights of women into their work, so that each body, within its mandate, monitors the human rights of women;

(c) Incorporate a gender analysis and regularly exchange information in the development of general comments and recommendations with a view to the preparation of general comments which reflect a gender perspective;

(d) Incorporate a gender perspective into concluding observations so that the concluding observations of each treaty body delineate the strengths and weaknesses of each State party insofar as enjoyment by women of the rights guaranteed by a particular treaty is concerned;

10. Urges States to limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women, formulate any such reservations as precisely and as narrowly as possible,

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[3] E/CN.4/1996/105, annex.

ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law, and regularly review them with a view to withdrawing them;

11. Urges the relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to provide training in human rights of women for all United Nations personnel and officials, especially those in human rights and humanitarian relief activities, and promote their understanding of the human rights of women so that they recognize and deal with violations of the human rights of women and can fully take into account the gender aspect of their work, and, in particular, encourages the Centre for Human Rights to undertake a systematic review of its information and training materials, including materials relating to the conducting of field operations, with a view to revising such materials where necessary in order to ensure the integration of a gender perspective and to bear in mind the need for expertise in the human rights of women in the recruitment of staff;

12. Welcomes the exchange of information between the United Nations High Commissioner/Centre for Human Rights and non-governmental organizations, and calls for continued cooperation between the two on integrating the human rights of women;

13. Draws attention to the need to give due consideration to the human rights of women and the girl child in the preparations for the five-year review of the Vienna Declaration and Programme of Action and the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights;

14. Renews its call to the United Nations High Commissioner for Human Rights to ensure the availability of expertise on gender issues and the human rights of women in order to provide advice to him/her on integrating the human rights of women throughout the Centre for Human Rights and to liaise with other relevant United Nations bodies in this regard;

15. Requests the Secretary-General to report on the implementation of the present resolution at its fifty-fourth session;

16. Decides to continue its consideration of the question at its fifty-fourth session.

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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Argentina, Austria, Australia*, Bangladesh, Brazil, Bulgaria, Cameroon*, Canada, Chile, Côte d'Ivoire*, Croatia*, Czech Republic, Cyprus*, Democratic Republic of Korea*, Denmark, El Salvador, Ethiopia, Finland*, France, Germany, Greece*, Hungary*, Iceland*, Ireland, Italy, Liechtenstein*, Luxembourg*, Madagascar, Netherlands, New Zealand*, Nicaragua, Norway*, Papua New Guinea*, Philippines, Poland*, Portugal*, Republic of Korea, South Africa, Spain*, Sri Lanka*, Sweden*, Switzerland*, Tunisia* and Turkey: draft resolution

1997/... The Elimination of violence against women

The Commission on Human Rights,

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, and that its elimination is an integral part of efforts towards the elimination of violence against women,

Recalling its resolution 1994/45 of 4 March 1994 in which it decided to appoint a special rapporteur on violence against women, its causes and consequences, as well as subsequent resolutions on the elimination of violence against women,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Welcoming the adoption by the General Assembly, in its resolution 48/104 of 20 December 1993, of the Declaration on the Elimination of Violence against Women, which recognizes that violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms, and expresses concern about the long-standing failure to protect and promote these rights and freedoms in relation to violence against women,

Recalling that the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, affirmed that gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person and must be eliminated,

Deeply concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, the girl child, women with disabilities, elderly women and women in situations of armed conflict, are especially vulnerable to violence,

Alarmed by the marked increase in acts of sexual violence directed notably against women and children, as expressed in the Final Declaration of the International Conference for the Protection of War Victims, held in Geneva from 30 August to 1 September 1993, and reiterating that such acts constitute grave breaches of international humanitarian law,

Stressing that the implementation of the Convention on the Elimination of All Forms of Discrimination against Women will contribute to the elimination of violence against women and that the implementation of the Declaration on the Elimination of Violence against Women strengthens and complements this process, and welcoming the significant progress achieved in relevant sections of the Beijing Declaration and Platform for Action (A/CONF.177/20), such as those on violence against women, women and armed conflict and the human rights of women,

Bearing in mind that the Vienna Declaration and Programme of Action calls for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity, stresses the importance of working towards the elimination of violence against women in public and private life, and urges the eradication of all forms of discrimination against women,

1. Welcomes the report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/1997/47 and Add.1-4), and encourages her in her future work;

2. Commends the Special Rapporteur for her analysis of violence in the family and violence in the community;

3. Condemns all acts of gender-based violence against women and in this regard calls, in accordance with the Declaration on the Elimination of Violence against Women, for the elimination of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, and emphasizes the duty of Governments to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and, in accordance with national legislation, to punish acts of violence against women and to take appropriate and effective action concerning acts of violence against women, whether those acts are perpetrated by the State or by private persons, and to provide access to just and effective remedies and specialized assistance to victims;

4. Also condemns all violations of the human rights of women in situations of armed conflict, recognizes them to be violations of international human rights and humanitarian law and calls for a particularly effective response to violations of this kind, including in particular murder, systematic rape, sexual slavery and forced pregnancy;

5. Encourages those States participating in the drafting of the statute of the International Criminal Court to give full consideration to integrating a gender perspective;

6. Requests all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, to supply all information requested and respond to the Special Rapporteur's visits and communications;

7. Takes note of the procedures established by the Special Rapporteur to seek information from Governments concerning specific cases of alleged violence in order to identify and investigate situations of violence against women, its causes and its consequences, in particular standard information forms; [1]

8. Requests human rights treaty bodies, other special rapporteurs responsible for various human rights questions, United Nations bodies and organs, specialized agencies and intergovernmental and non-governmental

organizations, including women's organizations, to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, and in particular to respond to requests for information on violence against women, its causes and its consequences;

9. Stresses the conclusions and recommendations of the Special Rapporteur that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent violence against women, including violence against women in the family and in the community, and calls on States:

(a) To work actively to ratify and/or implement international human rights norms and instruments as they relate to violence against women;

(b) To include in reports submitted in accordance with the provisions of relevant United Nations human rights instruments gender-disaggregated data, whenever possible, pertaining to violence against women and measures taken to implement the Declaration on the Elimination of Violence against Women and the Beijing Platform for Action;

(c) To cooperate with all other competent mechanisms in the United Nations system in relation to violence against women;

(d) To condemn violence against women and not invoke custom, tradition or practices in the name of religion to avoid their obligations to eliminate such violence;

(e) To take action to eradicate violence in the family and violence in the community, for example through formulating national plans of action;

(f) To enact and/or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls subjected to any form of violence, whether in the home, the workplace, the community or society, bearing in mind the Special Rapporteur's recommendations;

(g) To enact and/or enforce legislation protecting girls from all forms of violence, including female infanticide and prenatal sex selection, genital mutilation, incest, sexual abuse, sexual exploitation, child prostitution and child pornography, and develop age-appropriate safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence;

(h) To create, improve or develop, as appropriate, and fund training programmes for judicial, legal, medical, social, educational and police and

immigration personnel, in order to avoid the abuse of power leading to violence against women and sensitize such personnel to the nature of gender-based acts and threats of violence so that fair treatment of female victims can be ensured;

(i) To enact and/or enforce legislation, and to amend penal codes where necessary, to ensure effective protection against rape, sexual harassment and all other forms of sexual violence against women and give vigorous support to the efforts of non-governmental and community organizations to eliminate such practices;

(j) To consider taking measures to implement the recommendations of the Special Rapporteur;

10. Reminds Governments that their obligations under the Convention on the Elimination of All Forms of Discrimination against Women must be fully implemented with regard to violence against women, taking into account General Recommendation No. 19, adopted by the Committee on the Elimination of Discrimination against Women at its eleventh session, and calls upon those countries which are still not parties to the Convention to work actively towards ratification of or accession to it so that universal ratification can be achieved by the year 2000;

11. Requests Governments to support initiatives of women's organizations and non-governmental organizations all over the world to raise awareness of the issue of violence against women and to contribute to its elimination;

12. Renews its request to the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies;

13. Decides that the mandate of the Special Rapporteur should be renewed for a period of three years;

14. Requests the Special Rapporteur to report annually to the Commission on Human Rights beginning at the fifty-fourth session on activities relating to her mandate;

15. Encourages the Special Rapporteur to examine and compile information on existing international human rights, humanitarian and other standards and instruments relating to trafficking of women and girls, in dialogue with Governments, inter-governmental organizations and non-governmental organizations;

16. Invites the Special Rapporteur to continue to cooperate with other special rapporteurs, special representatives, independent experts and chairpersons of the working groups of the special procedures of the Commission on Human Rights;

17. Requests the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of the Commission on the Status of Women at its forty-second session to assist in the Commission's work in the area of the human rights of women and violence against women, as well as to the attention of the Committee on the Elimination of Discrimination against Women;

18. Decides to continue consideration of the question as a matter of high priority at its fifty-fourth session.

Notes

1.E/CN.4/1997/47/Add.4, annex.

2.See E/CN.4/1997/47.

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Agenda item 24

INDIGENOUS ISSUES

Australia*, Bolivia*, Canada, Chile, Colombia, Denmark, Estonia*, Finland*, Greece*, Guatemala*, Honduras*, Mexico, New Zealand*, Nicaragua, Norway*, Peru*, Spain*, Sweden* and Switzerland*: draft resolution

1997/... Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People

The Commission on Human Rights,

Conscious that, in various situations, indigenous people are unable to enjoy their inalienable human rights and fundamental freedoms, determined to do everything possible to promote the enjoyment of the human rights and fundamental freedoms of indigenous people, and bearing in mind that international standards must be developed on the basis of the diverse situations and aspirations of the world's indigenous people,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Affirming its recognition of the value and diversity of the cultures and forms of social organization of indigenous people, and that the development of indigenous people within their countries will contribute to the socio-economic, cultural and environmental advancement of all the countries of the world,

Recalling that the goal of the International Decade of the World's Indigenous People is to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health, and that the theme of the Decade is "Indigenous people: partnership in action",

Recognizing the importance of consultation and cooperation with indigenous people in planning and implementing the programme of activities for the Decade, the need for adequate financial support from the international community, including support from within the United Nations and the specialized agencies, and the need for adequate coordination and communication channels,

Recalling also Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous people, giving special attention to the evolution of standards concerning the rights of indigenous people,

I

Report on the Working Group on Indigenous Populations of the Sub-Commission

1. Takes note of the report of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities on its forty-eighth session (E/CN.4/1997/2-E/CN.4/Sub.2/1996/41) and of the report of the Working Group on its fourteenth session (E/CN.4/Sub.2/1996/21 and Corr.1);

2. Urges the Working Group to continue its comprehensive review of developments and of the diverse situations and aspirations of the World's indigenous people, and welcomes its proposal to highlight specific themes of the International Decade of the World's Indigenous People at its future sessions;

3. Invites the Working Group to take into account in its deliberations on developments pertaining to the promotion and protection of the human rights of indigenous people the work, within the framework of their respective mandates, of all thematic special rapporteurs, special representatives, independent experts, working groups and expert seminars as it pertains to the situation of indigenous people;

4. Recommends to the Economic and Social Council that the Working Group be authorized to meet for five working days prior to the forty-ninth session of the Sub-Commission;

5. Invites the Working Group to continue its consideration as to whether there are ways in which the contribution of expertise from indigenous people to the work of the Working Group might be enhanced, and encourages all the initiatives that can be taken by Governments, organizations of indigenous people and non-governmental organizations to ensure the full participation of indigenous people in the activities related to the tasks of the Working Group;

6. Takes note of paragraph 6 of Sub-Commission resolution 1996/31 regarding the working paper on the concept of indigenous people prepared by the Chairperson-Rapporteur of the Working Group (E/CN.4/AC.4/1996/2);

7. Requests the Secretary-General:

(a) To give adequate resources and assistance to the Working Group in discharging its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies, non-governmental organizations and organizations of indigenous people, in order to encourage the widest possible participation in its work;

(b) To transmit the reports of the Working Group to Governments, organizations of indigenous people and intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions;

8. Appeals to all Governments, organizations and individuals in a position to do so to consider contributing to the United Nations Voluntary Fund for Indigenous Populations;

II

International Decade of the World's Indigenous People

9. Takes note of the report of the High Commissioner for Human Rights (E/CN.4/1997/101);

10. Invites the Working Group on Indigenous Populations to continue its review of activities undertaken during the International Decade of the World's Indigenous People, and encourages Governments and intergovernmental and non-governmental organizations to provide information on the implementation of the goals of the Decade, in accordance with paragraph 16 of the annex to General Assembly resolution 50/157 of 21 December 1995;

11. Welcomes the affirmation by the General Assembly that a major objective of the Decade is the adoption of a declaration on the rights of indigenous people and its recognition that among the important objectives of the Decade is the consideration of the possible establishment of a permanent forum for indigenous people within the United Nations;

12. Recommends that the United Nations High Commissioner for Human Rights assume responsibility for coordination of the Decade;

13. Requests the High Commissioner for Human Rights to consider organizing, taking into account the United Nations Decade for Human Rights Education and recognizing the importance of strengthening the capacity of indigenous people to develop their own solutions to their problems, a workshop for research and higher education institutions focusing on indigenous issues in education, to improve exchange of information between such institutions and to encourage future cooperation, in consultation with indigenous people and in collaboration with the United Nations Educational, Scientific and Cultural Organization and other relevant United Nations bodies;

14. Requests the High Commissioner for Human Rights, noting the request by the General Assembly to the Secretary-General to produce an annual report reviewing activities within the United Nations system under the programme of activities for the Decade, and to submit an update of this report to the Commission on Human Rights at its fifty-fourth session under the agenda item entitled "Indigenous issues";

15. Emphasizes the important role of international cooperation in promoting the goals and activities of the Decade and the rights, well-being and sustainable development of indigenous people;

16. Encourages Governments to support the Decade by contributing to the Voluntary Fund for the Decade;

17. Also encourages Governments, as appropriate, recognizing the importance of action at the national level for the implementation of the goals and activities of the Decade, to support the Decade, in consultation with indigenous people, by

(a) Preparing relevant programmes, plans and reports in relation to the Decade and establishing national committees or other mechanisms involving indigenous people to ensure that the objectives and activities of the Decade are planned and implemented on the bases of full partnership with indigenous people;

(b) Seeking means of giving indigenous people greater responsibility for their own affairs and an effective voice in decisions on matters which affect them;

(c) Identifying resources for activities designed to implement the goals of the Decade;

18. Appeals to intergovernmental and non-governmental organizations to support the Decade by identifying resources for activities designed to implement the goals of the Decade, in cooperation with indigenous people;

19. Encourages Governments to consider contributing, as appropriate, in support of the achievement of the goals of the Decade, to the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean;

20. Recommends that the United Nations High Commissioner for Human Rights, when developing programmes within the framework of the International Decade for the World's Indigenous People and the United Nations Decade for Human Rights Education, give due regard to the development of human rights training for indigenous people;

21. Encourages the United Nations High Commissioner for Human Rights to cooperate with the Department of Public Information in preparing and disseminating information on the International Decade of the World's Indigenous People, taking due care to portray accurately the information regarding indigenous people;

22. Invites the United Nations financial and developmental institutions, operational programmes and specialized agencies, in accordance with the existing procedures of their governing bodies;

(a) To give increased priority and resources to improving the conditions of indigenous people, with particular emphasis on the needs of these people in developing countries, including by the preparation of specific programmes of action for the implementation of the goals of the Decade, within their areas of competence;

(b) To launch special projects, through appropriate channels and in collaboration with indigenous people, for strengthening their community-level initiatives, and to facilitate the exchange of information and expertise among indigenous people and other relevant experts;

(c) To designate focal points or other mechanisms for coordination with the High Commissioner for Human Rights/Centre for Human Rights of activities relating to the Decade;

23. Decides to consider the International Decade of the World's Indigenous People at its fifty-fourth session under the agenda item entitled "Indigenous issues".

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COMMISSION ON HUMAN RIGHTS
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ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Argentina, Brazil, Canada, Chile, Denmark, Dominican Republic, El Salvador, France, Greece, Haiti, Hungary, Nicaragua, Peru

1997/... Situation of human rights in Haiti

The Commission on Human Rights,

Guided by the Principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all Member States have the obligation to promote human rights and to fulfil the obligations they have undertaken under the various instruments in this field,

Recalling its resolution 1996/58 of 19 April 1996 and General Assembly resolution 51/110 of 12 December 1996,

Having in mind the report (E/CN.4/1997/89) of the independent expert, Mr. Adama Dieng, appointed to consider the development of the human rights situation in Haiti and to verify compliance by that country with its obligations in that field, and the recommendations contained therein,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Acknowledging the work done by the International Civilian Mission to Haiti, the United Nations Support Mission in Haiti and the National Commission for Truth and Justice, in the field of the diffusion of democratic principles and respect for human rights,

Welcoming the extension by the General Assembly in resolution 50/86 C of 29 August 1996 of the mandate of the International Civilian Mission to Haiti,

Welcoming the improvements in the situation of human rights in Haiti, and noting the statements by Haitian authorities that the Government of Haiti remains committed to upholding such rights,

Drawing attention to the need for the Haitian National Police to receive technical training to enable it to perform its functions efficiently,

Emphasizing the need to strengthen the Haitian judicial and penitentiary system, particularly by the development of a broad programme of civic education and training in human rights and the introduction of legal services in rural areas,

Expressing concern at the reports of cases of illegal and arbitrary detention,

Welcoming warmly the request for technical assistance and advisory services in the field of human rights addressed by the Government of Haiti to the Centre for Human Rights,

Expressing its satisfaction at the invitation to visit Haiti addressed by the Government of Haiti to the Special Rapporteur of the Commission on Human Rights on violence against women,

1. Thanks the Secretary-General and his Special Representative for the work done with a view to consolidating democratic Haitian institutions and respect for human rights in that country;

2. Welcomes the satisfactory evolution of the political process in Haiti, as reflected in particular in the holding of five elections that culminated with the presidential elections of 17 December 1995, which permitted the first transfer of power between two democratically elected Presidents as well as, more recently, the partial parliamentary elections held on 6 April 1997;

3. Takes note with gratitude of the report (E/CN.4/1997/89) of Mr. Adama Dieng, independent expert of the Commission on Human Rights on the situation of human tights in Haiti, and of the conclusions and recommendations contained therein;

4. Welcomes the report of the National Commission for Truth and Justice, as well as the reports of the International Civilian Mission to Haiti on Haitian justice and respect for human rights by the National Police of that country, and urges the Government of Haiti, with the support of the international community, to take the necessary measures in accordance with the recommendations contained therein;

5. Recognizes the importance, from the standpoint of the realization of a genuine and effective transition and national reconciliation process, of the investigations undertaken by the National Commission for Truth and Justice and requests the Government of Haiti to have that Commission's report widely distributed throughout the country;

6. Requests the General Assembly to study the possibility of extending the mandate of the International Civilian Mission to Haiti which expires in June 1997;

7. Encourages the inclusion of ethics courses in police training programmes and the establishment of a general inspectorate to investigate human rights abuses perpetrated by members of the police with a view to strengthening reforms and putting an end to impunity;

8. Requests the Haitian Government to adopt a civics education programme to promote the creation of confidence between the population and the national police;

9. Expresses its concern at the security problems faced by Haitian society, some of which are due to the difficult social and economic conditions characteristic of that society in recent times;

10. Requests the Government of Haiti to adopt urgent measures to ensure respect for judicial guarantees, thereby putting an end to cases of illegal and arbitrary detention;

11. Supports the reform of the judicial system at present being carried out by the Government of Haiti, which includes training in international humanitarian law and human rights, and emphasizes its priority in the framework of the bilateral or multilateral assistance provided by the international community, including the United Nations Development Programme;

12. Encourages the international community to contribute generously to the Trust Fund for the Haitian National Police to be used, in accordance with the request of the Government of Haiti, to develop a technical adviser programme;

13. Welcomes the establishment of the programme of technical cooperation by the Centre for Human Rights aimed at strengthening institutional capacity in respect of human rights, particularly in the areas of legislative reform, the training of justice administration personnel and human rights education, and requests the Secretary-General to submit a report on the implementation of this programme to the Commission on Human Rights at its fifty-fourth session;

14. Invites the independent expert to inform the General Assembly at its fifty-second session and the Commission on Human Rights at its fifty-fourth session about the development of the human rights situation in Haiti;

15. Invites the international community, including the Bretton Woods institutions, to continue their involvement in the reconstruction and development of Haiti, having regard to the fragility of the political, social and economic situation of the country;

16. Encourages the Government of Haiti to consider ratifying the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Optional Protocols to the International Covenant on Civil and Political Rights, and to submit without delay its report to the Human Rights Committee;

17. Also encourages the Government of Haiti to study the possibility of establishing, with the assistance of the Centre for Human Rights, a national institution for the protection and promotion of human rights with the greatest possible participation of civil society;

18. Invites the Special Rapporteur on violence against women to consider favourably the invitation by the Government of Haiti to visit the country, with the support of the United Nations Population Fund;

19. Decides to continue consideration of this question at its fifty-fourth session, under the item entitled "Advisory services in the field of human rights".

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Agenda item 8

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Afghanistan*, Argentina, Austria, Bangladesh*, Belgium*, Bulgaria, Canada, Chile, Colombia, Cyprus*, Czech Republic, Denmark, Dominican Republic, El Salvador, Finland*, France, Germany, Greece*, Hungary*, Ireland, Italy, Liechtenstein*, Luxembourg*, Madagascar, Nepal, Norway*, Poland*, Portugal*, Romania*, Russian Federation, Senegal*, Slovakia*, Spain*, Sweden*, Switzerland*, United Kingdom of Great Britain and Northern Ireland and Uruguay: draft resolution

1997/... Question of arbitrary detention

The Commission on Human Rights,

Reaffirming articles 3, 9, 10 and 29, as well as other relevant provisions of the Universal Declaration of Human Rights,

Recalling articles 9, 10, 11 and 14 to 22 of the International Covenant on Civil and Political Rights,

Taking particular account of the principle of the independence of the judiciary,

Recalling its resolutions 1991/42 of 5 March 1991, 1992/28 of 28 February 1992, 1993/36 of 5 March 1993, 1994/32 of 4 March 1994, 1995/59 of 7 March 1995 and 1996/28 of 19 April 1996,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Bearing in mind that, in accordance with resolution 1991/42, the task of the Working Group on Arbitrary Detention is to investigate cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned,

Having considered the report of the Working Group on Arbitrary Detention (E/CN.4/1997/4 and Add.1-3),

1. Takes note:

(a) Of the work of the Working Group on Arbitrary Detention and its efforts to revise its methods of work, and underlines the initiatives it has taken to strengthen cooperation and dialogue with States and for the establishment of cooperation with all those concerned by the cases submitted to it for consideration, in accordance with its mandate;

(b) Of the importance that the Working Group attaches to coordination with other mechanisms of the Commission on Human Rights, other relevant United Nations bodies and treaty-monitoring bodies, as well as to strengthening the role of the Centre for Human Rights in such coordination, and encourages the Working Group to take all the necessary steps to avoid duplication with those mechanisms, in particular regarding the treatment of the communications it receives and field visits;

(c) Of the report of the Working Group (E/CN.4/1997/4 and Add.1-3);

2. Invites the Working Group in discharging its mandate, to continue:

(a) To seek and gather information from Governments and intergovernmental and non-governmental organizations, as well as from the individuals concerned, their families or their legal representatives;

(b) To re-examine its methods of work, in particular those relating to the admissibility of communications received, to the "urgent appeals" procedure and to the deadlines set for Governments to reply to requests concerning individual cases, and, in the application of the 90-day deadline for replies, to show flexibility as appropriate by granting an extension of this deadline where necessary without, however, prejudging its final conclusions, and to report regularly to the Commission, in its annual report, on these matters;

(c) To carry out its task with discretion, objectivity, impartiality and independence, within the framework of its mandate, and the independent experts to continue to perform their task with rigour,

having regard to the very specific nature of their mandate, and to respond effectively to credible and reliable information that comes before them;

(d) To take gender-specificity into account in its reports, including by giving particular attention to the situation of women subjected to arbitrary detention;

3. Considers that the Working Group, within the framework of its mandate, and aiming still at objectivity, could take up cases on its own initiative;

4. Requests the Working Group to devote all necessary attention to reports concerning the situation of immigrants and asylum seekers who are allegedly being held in prolonged administrative custody without the possibility of administrative or judicial remedy, and to include observations on this question in its report to the next session of the Commission on Human Rights;

5. Takes note of the decision taken by the Working Group not to apply the International Covenant on Civil and Political Rights to States which are not yet parties thereto and requests the Working Group, as announced by its Chairman/Rapporteur in the plenary of the fifty-third session of the Commission, not to apply other relevant international legal instruments to States which are not yet parties thereto;

6. Appeals, in this connection, to States which have not yet done so to consider acceding to or ratifying those international instruments, and to States which have entered reservations to consider withdrawing them;

7. Takes note also of the decision of the Working Group, as announced by its Chairman/Rapporteur in the plenary of the fifty-third session of the Commission, to give views rather than take decisions;

8. Requests Governments concerned to take account of the Working Group's views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty and to inform the Working Group of the steps they have taken;

9. Encourages Governments concerned:

(a) To pay attention to the recommendations of the Working Group concerning persons mentioned in its report, who have been detained for a number of years;

(b) To take appropriate measures in order to ensure that their legislation in these fields is in conformity with the relevant international standards and the relevant international legal instruments applicable to the

States concerned, and not to extend states of emergency beyond what is strictly required by the situation, or to limit their effects;

10. Encourages all Governments to invite the Working Group to their countries in order that it may fulfil its mandate even more effectively;

11. Requests Governments concerned to give the necessary attention to the "urgent appeals" addressed to them by the Working Group on a strictly humanitarian basis and without prejudging its final conclusions;

12. Expresses its profound thanks to Governments which have extended their cooperation to the Working Group and responded to its requests for information, and invites all Governments concerned to demonstrate the same spirit of cooperation;

13. Welcomes the fact that the Working Group has been informed of the release of many individuals whose situation had been brought to its attention;

14. Requests the Secretary-General:

(a) To extend his assistance to Governments expressing the wish to receive it, as well as to special rapporteurs and working groups, with a view to ensuring promotion and observance of the guarantees relating to states of emergency that are laid down in the relevant international instruments;

(b) To ensure that the Working Group receives all necessary assistance, particularly in regard to staffing and resources needed to discharge its mandate, and notably with respect to field missions;

15. Decides to renew, for a three-year period, the mandate of the Working Group composed of five independent experts entrusted with the task of investigating cases of deprivation of liberty imposed arbitrarily, provided that no final decision has been taken in such cases by domestic courts in conformity with domestic law, with the relevant international standards set forth in the Universal Declaration of Human Rights and with the relevant international instruments accepted by the States concerned;

16. Requests the Working Group to submit to it, at its fifty-fourth session, a report on its activities and on the implementation of this resolution, and include any suggestions and recommendations which would enable it to discharge its task in the best possible way, and to continue its consultations to that end within the framework of its terms of reference;

17. Decides to continue its consideration of the question at its fifty-fourth session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

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ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Australia*, Austria, Belgium*, Canada, Germany, Ireland, Japan, Netherlands, New Zealand*, Norway*, Romania*, Sweden*: draft resolution

1997/... Situation of human rights in Cambodia

The Commission on Human Rights,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict signed in Paris on 23 October 1991, including Part III relating to human rights,

Recalling Commission on Human Rights resolution 1996/54 of 19 April 1996, General Assembly resolution 51/98 of 12 December 1996, and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993, in which it requested the Secretary-General to appoint a special representative in Cambodia, and the subsequent appointment of a special representative,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Bearing in mind the role and responsibilities of the United Nations and the international community in the process of the rehabilitation and reconstruction of Cambodia,

Recognizing that the tragic recent history of Cambodia requires special measures to ensure the promotion and protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris on 23 October 1991,

Desiring that the United Nations respond positively, within existing resources, to assist efforts to investigate Cambodia's tragic recent history, including responsibility for past international crimes, such as acts of genocide and crimes against humanity,

Commending the ongoing efforts of the office of the Centre for Human Rights in Cambodia in supporting and assisting the Government of Cambodia, as well as assisting non-governmental organizations and others involved in the promotion and protection of human rights in cooperation with the Government of Cambodia,

Welcoming and encouraging the efforts of individuals, non-governmental organizations, Governments and international organizations involved in human rights activities in Cambodia,

Welcoming the understanding reached between the Special Envoy of the Secretary-General and the Government of Cambodia in May 1995 regarding increased consultations between the Centre for Human Rights and the Government of Cambodia,

1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the Centre for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources, from within existing resources, for the enhanced functioning of the operational presence in Cambodia of the Centre for Human Rights;

2. Welcomes the report of the Secretary-General on the role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights (E/CN.4/1997/84);

3. Also welcomes the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia and the signing of a memorandum of understanding with

the Government of Cambodia in March 1996 to allow the office of the Centre for Human Rights to continue operating for the next two years and to maintain its technical cooperation programmes;

4. Takes note with appreciation of the report of the Special Representative on the situation of human rights in Cambodia (E/CN.4/1997/85), in particular his concerns about the rule of law, the independence of the judiciary, the problem of impunity, the ill-treatment of prisoners, labour rights, child prostitution and trafficking, freedom of expression and the promotion of an effective functioning multi-party democracy;

5. Welcomes the efforts made by the Government of Cambodia to promote and protect human rights, especially in establishing a mechanism through its National Assembly Commission on Human Rights and Receipt of Complaints for investigating alleged human rights violations, the adoption of the new labour law, and in the area of human rights education;

6. Notes with concern the lack of response by the Government of Cambodia to several of the recommendations contained in the Special Representative's previous report and urges that it respond as soon as possible, and requests the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to continue his evaluation of the extent to which the recommendations made by the Special Representative in his report, and those contained in his previous report, are followed up and implemented;

7. Requests the Secretary-General to provide all necessary resources, from within the regular budget of the United Nations, to enable the Special Representative to continue to fulfil his tasks expeditiously;

8. Notes with serious concern the Special Representative's strong criticism of the system of justice in Cambodia, urges the Government of Cambodia to increase its efforts to create a functioning and impartial system of justice, including convening the Supreme Council of Magistracy, and, in the area of prisons, strongly urges the Government of Cambodia to institute a system to guarantee the essential sustenance of prisoners and to continue its efforts to improve the physical environment of prisons;

9. Expresses serious concern at the comments made by the Special Representative concerning the continuing problem of impunity whereby the courts are reluctant or unable to charge members of the military, police and other security forces with serious criminal offences, and encourages the

Government of Cambodia, as a matter of critical and urgent priority, to address the problem of impunity, including the repeal of article 51 of the 1994 Law on Civil Servants which in effect places the military and police and other government officials above the principle of equality before the law;

10. Expresses grave concern about numerous instances of violations of human rights, including extrajudicial executions, torture, including rape, illegal arrest and detention, as detailed in the reports of the Special Representative and his predecessor, and calls upon the Government of Cambodia to prosecute, in accordance with due process of the law and international standards relating to human rights, all those who have perpetrated human rights violations;

11. Welcomes the efforts by the Government of Cambodia to promote peace, strongly urges the remaining Khmer Rouge to cease fighting, reiterates concern about serious abuses committed by remaining Khmer Rouge, including the taking and killing of hostages, and demands that any hostages be released immediately;

12. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the Centre for Human Rights, to examine any request by Cambodia for assistance in responding to past serious violations of Cambodian and international law as a means of bringing about national reconciliation, strengthening democracy and addressing the issue of individual accountability;

13. Calls upon the Government of Cambodia to investigate cases of violence and intimidation directed at political parties and their supporters, as well as against media personnel and offices, and to bring to justice those responsible;

14. Strongly condemns the violence in Phnom Penh on 30 March 1997 on participants of a peaceful and lawful opposition rally exercising their democratic rights and which resulted in numerous deaths and injuries, and calls upon the Government of Cambodia to take immediate and effective measures to uphold the rule of law in order to prevent the recurrence of such an outrage and to bring the perpetrators to justice;

15. Notes that communal elections are due to be held in 1997 and National Assembly elections in 1998, and strongly urges the Government of Cambodia to promote and uphold the effective functioning of multi-party democracy, including the right to form political parties, stand for election,

take part freely in a representative Government and freedom of expression, in accordance with the principles set out in paragraphs 2 and 4 of annex 5 to the Agreement signed in Paris on 23 October 1991;

16. Welcomes the proposed measures outlined by the Government of Cambodia in its comments (A/51/453/Add.1) on the report of the Secretary-General to the General Assembly at its fifty-first session (A/51/453) to ensure that the forthcoming communal and national elections are free and fair, and emphasizes the need for the legislative framework for the elections to be agreed upon and adopted by the National Assembly, for the security forces to remain neutral during the election campaign, for free and equal access to the media, for the individual vote to be confidential, for local and international observers to be welcomed, and for all parties to agree to accept the outcome;

17. Strongly encourages the Government of Cambodia to establish an independent body to supervise the holding of the elections, to ensure that the elections are free and fair and to ensure that the Constitutional Council will be convened in order to resolve election disputes;

18. Requests the Secretary-General to consider favourably, within existing United Nations resources, any request from the Government of Cambodia for assistance with the holding of the elections in Cambodia;

19. Commends the Government of Cambodia for its constructive approach to the inclusion of Cambodian human rights non-governmental organizations in the rehabilitation and reconstruction of Cambodia, and recommends that their skills be drawn upon to assist in ensuring that the forthcoming elections are free and fair;

20. Urges the Government of Cambodia to give priority attention to combating child prostitution and trafficking and, in this connection, to work with the office in Cambodia of the Centre for Human Rights, the United Nations Children's Fund and non-governmental organizations to develop an action plan;

21. Calls upon the Government of Cambodia to ensure the full observance of human rights for all persons within its jurisdiction in accordance with the International Covenants on Human Rights and other human rights instruments to which Cambodia is a party;

22. Recognizes the seriousness with which the Government of Cambodia has approached the preparation of its initial reports to the relevant treaty bodies and welcomes the submission of Cambodia's second report to the

Committee on the Elimination of Racial Discrimination (CERD/C/292/Add.2), and encourages the Government to continue its efforts to meet its reporting obligations under international human rights instruments, drawing on the assistance of the office in Cambodia of the Centre for Human Rights;

23. Encourages the Government of Cambodia to request the Centre for Human Rights to provide advice and technical assistance with respect to the creation of an independent national institution for the promotion and protection of human rights;

24. Notes with appreciation the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the Centre for Human Rights as defined in resolutions of the General Assembly and the Commission on Human Rights, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing funds to the Trust Fund;

25. Requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to vulnerable groups, including women, children, disabled persons and minorities;

26. Expresses grave concern at the devastating consequences and destabilizing effects of the indiscriminate use of anti-personnel landmines on Cambodian society, encourages the Government of Cambodia to continue its support and efforts for the removal of these mines, and urges the Government of Cambodia to ban all anti-personnel landmines;

27. Requests the Secretary-General to report to the Commission on Human Rights at its fifty-fourth session on the role of the Centre for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

28. Decides to continue its consideration of the situation of human rights in Cambodia at its fifty-fourth session, under the agenda item entitled "Advisory services in the field of human rights".